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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,835	04/02/2004	Akira Ohmura	101985.03	8850

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EXAMINER

BOCCIO, VINCENT F

ART UNIT	PAPER NUMBER
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2165

MAIL DATE	DELIVERY MODE
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10/17/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/815,835

Applicant(s)

OHMURA ET AL.

Examiner

Vincent F. Boccio

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2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on RCE, Amend & Resp of 8/27/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/184,329.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2165.

Response to Arguments

1. Applicant's arguments filed 8/27/2007 have been fully considered but they are not persuasive.

The primary examiner has decided to make this action a non-final after the RCE.

{A} In re page 3, applicant states, "Ogawa and McIntyre, alone or in a permissible combination not does Burt, alone on in combination teach or even suggest a digital camera that includes a display that displays a plurality of images data simultaneously and a user operated selector that/for selects/selecting a plurality of image data to be printed."

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed.

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Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Obviousness is based on having all elements, motivation and reasonable expectation of success.

All elements are deemed taught by the combination; and the examiner deems that in view of Burt that one of ordinary skill in the art, would have a reasonable expectation of success in view of Burt to process at least two images to the display, chosen by the user and to trigger printing for what is displayed, which requires image scaling to the display and further merely displaying more than one image to a display and printing what is displayed in view of Burt the examiner deems would have been obvious at the time of the invention to look to

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Burt to modify the camera of Ogawa, as is deemed obvious to those skilled in the art in view of the teaching provided by Burt.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).
2. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogawa et al. (US 6,603,506) in view of Burt et al. (US 5,649,032).

Regarding claims 11-12, Ogawa discloses a digital camera (Fig. 1, 10), comprising:

- optical path (represented by the sensor path with respect to, sensor 10 a);
- an image sensor (Fig. 1, 10 a);
- a memory (10 o, col. 3);

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- a display (10 i);
- a selector (col. 3 etc.....) that selects the print instruction for printing a plurality of images per one sheet (Fig. 5, "sample image table printed"); and
- a terminal (10 K to 11 e) that transfers the image data, as selected by the selector to an external printer (11, printer, camera 10 to printer 11 a 20 image print, on one sheet), wherein the terminal (point of transmission) transmits the image data directly to the external printer (point of reception), claim 11, (Fig. 1).

Ogawa discloses the camera but,

O fails to mention a lens used to form an image to be sensed/imaged, with respect to the optical path.

The examiner takes official notice that in the realm of cameras, digital camera with a lens is well known in the art, therefore, it would have been obvious to one skilled in the art at the time of the invention to modify Ogawa by providing a lens to the digital camera for the purpose of forming image to the sensor to be images, as is conventional in the art, therefore, obvious to those skilled in the art.

Regarding claim 11, Ogawa prints a plurality of images to one sheet in Fig. 5,

- but, fails to particularly disclose,

"displaying simultaneously a plurality of image data selected by the user and printing two or more images data per sheet, as part of the plurality of image data on the display".

Burt teaches a system having an associated camera for image input, a display for displaying images, wherein the system with associated camera, allows for user manipulation and altering (104), connected or associated with a printing system to print selected, altered, manipulated images by a user, as taught by Burt, also see

- col. 2, lines 42-57,

"(1) mosaic based display system with printing system" and

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"The mosaic based display system permits a system user to display, manipulate, search and alter a mosaic";

- col. 4, lines 12-26;
- col. 5, lines 3-8, "image printing system 106, capable of generating high resolution color or monochrome still images of the mosaic or any portion thereof."
- Figs. 5-7, user manipulation and display viewport selector 708"

Therefore, based on the above, "simultaneously displaying multiple different images, selected by a user and printed the displayed being at least two images on a sheet, is taught by Burt.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify Ogawa with the teaching of Burt to provide the feature of displaying multiple selected images on a display and printing, as desired on one sheet, as taught by Burt.

Regarding claim 13, Ogawa further discloses an external printer (Fig. 1, camera 10 to external printer 11).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 11-13 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Burt et al. (US 5,649,032).

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Regarding claims 11-13, since the claims do not recite any housing, in view of this position, all limitations are deemed met by Burt and Burt is deemed to read on the claimed invention, because it can be said that Burt discloses a camera SYSTEM comprising and comprises all claimed limitations as recited, deemed to be clearly anticipated, see the cited areas and substantially details of Burt above.

Contact Information

Any inquiry concerning this communication or earlier communications should be directed to the examiner of record Vincent F. Boccio whose telephone number is (571) 272-7373.

The examiner can normally be reached on between Monday thru Friday between (7:30 am to 5:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272-4146.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

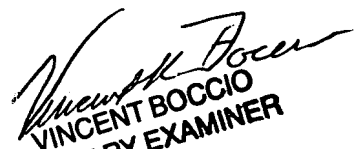
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If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Primary Examiner, Boccio, Vincent
10/14/07


VINCENT BOCCIO
PRIMARY EXAMINER